

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of

JOHN ERIC BOLTEN,

Petitioner,

For an Order of Attachment in Aid of Arbitration Pursuant
to Rule 64 of the Federal Rules of Civil Procedure and
CPLR § 7502(c),

-against-

VENACA, INC.,

Respondent.

06 Civ. 3438 (PKC)(FM)

AFFIDAVIT OF
GREGORY HALEY

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

Gregory Haley, being duly sworn, deposes and says:

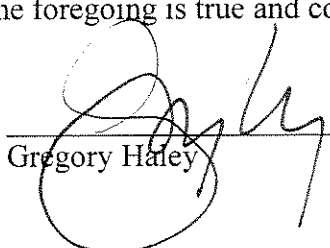
1. I was a Senior Software Engineer for Venaca, Inc. ("Venaca") from May, 2000 through April 11, 2007.
2. I decided to leave Venaca in January, 2007 following the company's layoffs of several IT personnel last fall.
3. I spoke with several recruiters by phone and in person in January, 2007 in order to assess the market and potential employment opportunities.
4. On February 11, 2007, I contacted Eric Bolten by e-mail to tell him that I had officially started my job search, and asking if he knew of any possible opportunities for me. A true and correct copy of my February 11, 2007 e-mail to Eric is attached as Exhibit A.
5. I did not hear back from Eric, so I called him several times.

6. We finally connected in late March, 2007 by phone. During that call, I asked Eric for the human resources contact information at his company, Signiant. I was able to schedule an interview with the company, following which I was offered a position as a Technical Consultant. I accepted that position on April 4, 2007 and left Venaca about two weeks later.

7. I categorically deny any assertion by Venaca that Eric solicited me. Quite the opposite. If anything, it was I that solicited Eric for a position.

8. Finally, I understand that Venaca is asserting that Eric was somehow responsible for the Christian Broadcast Network's decision to not purchase Venaca software at the National Association of Broadcasters Conference in Las Vegas. That is absolutely false. I know because I was there. The Christian Broadcast Network sale was lost due to the fact that while we were exhibiting our software to the representatives of Christian Broadcast Network, the storage platform we were using failed – it overheated because there was insufficient ventilation. Although we explained to the Christian Broadcast Network representatives that the storage platform failure was not our fault, they clearly lost confidence in our product, and walked away from our booth.

I declare under penalty of perjury that the foregoing is true and correct.



Gregory Haley

Sworn to before me this
22nd day of May, 2007



Notary Public

ELIZABETH K. MATTHEWS
Notary Public, State of New York
No. 02MA6105323
Qualified in Suffolk County
Commission Expires February 9, 2010

Exhibit A



Gregory Haley <haleygregory@gmail.com>

Howdy

1 message

Gregory Haley <haleygregory@gmail.com>

Sun, Feb 11, 2007 at 1:15 PM

To: Eric Bolten <eric.bolten@yahoo.com>

Hi,

Today I officially start my job search. I am applying for a job Heather recommended to me with her new company, and I've reached out to a recruiter I met with shortly after the layoffs in October.

If you hear of anything please feel free either to forward my resume, or send me the contact information, and I will write them myself.

I'm attaching my resume, which I've updated a little bit.

How are you doing? I haven't heard from you in a while, which I'm hoping means your are up to your eyeballs making deals and forging partnerships.

ciao!
greg.